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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,535	08/04/2005	Takashi Ishida	2004_2019A	2534

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WENDEROTH, LIND & PONACK, L.L.P.  
2033 K STREET N. W.  
SUITE 800  
WASHINGTON, DC 20006-1021

EXAMINER

PHAM, VAN T

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,535	<b>Applicant(s)</b> ISHIDA ET AL.	
	<b>Examiner</b> VAN T. PHAM	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima Toshiyuki (JP 2000-322818).

Regarding claim 1, Fukushima discloses an optical disc comprising a data recording area for recording data (see Fig. 1), and a drive information area for recording drive-specific information (see Fig. 2), wherein: the drive information area comprises a plurality of clusters (see Figs. 5-7); each cluster comprises a plurality of sectors (see Figs. 1-7, and [0009]-[0012]); each sector has capacity for storing one record of drive-specific information (see Figs. 1-7); and the plural records of drive-specific information are arranged in the order in which the records were recorded with the last-recorded drive-specific information record located first in the read sequence (see [0014]-[0015] and Figs. 1-7).

Regarding claim 2, see Figs. 1-7, discloses an optical disc as described in claim 1, wherein: new drive-specific information is stored to the first sector in a new cluster, and information from all sectors except the last sector in the immediately preceding cluster is stored to the remaining sectors following the first sector in the new cluster (see [0029], [0034]).

Regarding claim 3, see Figs. 1-7, discloses an optical disc as described in claim 1, wherein: the drive-specific information includes at least: a manufacturer identifier for identifying the manufacturer of the optical disc drive, a drive identifier such as a serial number of the optical

disc drive, and recording/playback conditions including a required laser power level (see [0073]-[0077]).

Regarding claim 7, Fukushima discloses an optical disc drive for recording an optical disc having a data recording area for recording data, and a drive information area for recording drive-specific information, wherein the drive information area comprises a plurality of clusters, each cluster comprises a plurality of sectors, each sector has capacity for storing one record of drive-specific information, and the plural records of drive-specific information are arranged in the order in which the records were recorded with the last-recorded drive-specific information record located first in the read sequence, said optical disc drive comprising: a detection device for detecting if an optical disc was loaded (inherent and see Fig. 8); a drive device for reading and writing the optical disc (inherent and see Fig. 8, [0114]-[0116])); memory for storing at least a manufacturer identifier for identifying the manufacturer of the optical disc drive (see Figs. 4, 8, and [0074]), a drive identifier such as a serial number of the optical disc drive, and recording/playback conditions including a required laser power level (see Fig. 4, and [0074]-[0078]); and a controller for controlling the drive device (see Fig. 8); wherein the drive device is controlled by the controller, and when an optical disc is loaded accesses the drive-specific information, detects the first unrecorded cluster, reads the last-recorded cluster immediately preceding the first unrecorded cluster, and sets the write power level based on the drive-specific information in the last-recorded cluster (see rejection above of claim 1 and Figs. 1-8 and [0014]-[0015], [0023], [0025], [0051]-[0052]).

Regarding claim 8, see Figs. 1-8, discloses an optical disc drive as described in claim 7, wherein setting the write power level based on the drive-specific information in the last-recorded

cluster determines whether drive-specific information storing the same drive identifier as the drive identifier of the optical disc drive is contained in the last-recorded cluster (see Figs. 5, 7 and [0008], [0011], [0020], [0027], [0030], [0089], [0090] and [0095]), and if drive-specific information storing the same drive identifier is detected, sets the write power level based on that drive-specific information, but if drive-specific information storing the same drive identifier is not detected, sets a new write power level by a new learning process and generates new drive-specific information, and stores the new drive-specific information to the first sector in a new cluster, and stores information from all sectors except the last sector in the immediately preceding cluster to the remaining sectors following the first sector in the new cluster (see Figs. 1-8 and [0116]).

Regarding claim 9, see rejection above of claim 7.

Regarding claim 10, see rejection above of claim 8.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima Toshiyuki (JP 2000-322818) in view of Yamagami et al. (US 6,256,282).

Regarding claim 4, Fukushima, see Figs. 1-7, discloses an optical disc as described in claim 1, discloses an information recording medium 101 (see Fig. 1) and read by a read beam

incident thereto from the same side (see Fig. 8), wherein has a drive information area for recording drive-specific information (see Fig. 4).

Yamagami, see cols. 5-6, discloses an optical disc comprising at least a first recording layer and a second recording layer each read by a read beam incident thereto from the same side, and the area in the second recording layer at the same radial position of layer 1.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an optical disc comprising at least a first recording layer and a second recording layer in Fukushima as suggested by Yamagami, the motivation being in order to have larger recording capacity (see Yamagami col. 5).

#### *Cited References*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

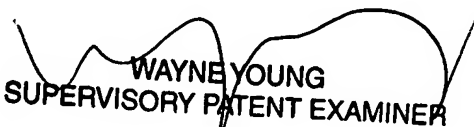
The cited references relate to optical recording medium and recording method thereof (Yamagami et al. US 6,256,282); recording or reproducing method and partial erase processing method (Ando et al. US 2001/0014070).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number 571-272-7590. The examiner can normally be reached on Monday-Friday from 9:00am –5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER